

#408
BILL NO. Z-89-12-17

ZONING MAP ORDINANCE NO. Z-

First

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lot 109 Eliza Hanna Sr Addition, Fort Wayne, Indiana,
Allen County, Wayne Township,

and the symbols of the City of Fort Wayne Zoning Map No. O-
2, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

RECEIPT

No 7259

COMMUNITY DEVELOPMENT & PLANNING

Ft. WAYNE, IND., 11-2 1989

RECEIVED FROM

Earl Chapman

\$ 100.00

THE SUM OF

one hundred & 00/100

DOLLARS

ON ACCOUNT OF

1318 Chute Sp

PAID BY:

CASH ☐

CHECK ☒

M.O. ☐

AUTHORIZED SIGNATURE

1365

PETITION FOR ZONING-ORDINANCE AMENDMENT

RECEIPT NO. 7259

DATE FILED 11-2-89

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Earl Chapman, Beatrice Chapman
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R3 District to a/an B3B District the property described as follows:

Lot 109 Eliza Hanna SR Addition. Fort Wayne, Indiana, Allen County
Wayne Township 91-0094-1009 Lot size 50 x 150 (7,500 sq. ft.)
An appeal to expand a legal nonconforming use by adding a 12 x 24
and 16 x 40 addition to existing building

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1318 Chute St. Fort Wayne, Indiana
46803

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Earl Chapman</u>	<u>3019 Burma Rd. Ft Wayne, In</u>	<u>Earl Chapman</u>
<u>Beatrice Chapman</u>	<u>3019 Burma Rd. " "</u>	<u>Beatrice Chapman</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Prince Chapman</u>	<u>926 E. Hawthorne St 46806</u>	<u>745 0965</u>
(Name)	(Address & Zip Code)	(Telephone Number)
	<u>Fort Wayne Indiana</u>	

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 12, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-89-12-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 18, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

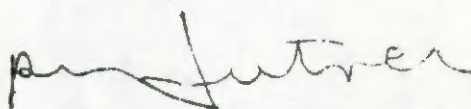
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 8, 1990.

Certified and signed this
10th day of January 1990.



Robert Hutner
Secretary

#408

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1318 Chute Street

2-89-15, -17

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential.
Property will become B-3-B- General Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-89-12-17

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From R-3 to B-3-B

DETAILS**Specific Location and/or Address**

1318 Chute Street

Reason for Project

Future expansion of a legal non-conforming use.

Discussion (Including relationship to other Council actions)

18 December 1989 - Public Hearing

(See Attached minutes of Hearing)

8 January 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Prince Chapman
City Department

Other

Opponents

-

Groups or Individuals

Evelyn Knight, 1135 Eliza St
Karen James, 1125 Eliza St

Basis of Opposition

-deterioration of property values in area
-would discourage residential reinvestment in area

Staff Recommendation

☐ For ☒ Against

Reason Against

-not consistent with the goals of encouraging re-investment
-would allow many negative uses in immediate area

Board or Commission Recommendation**By**

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

- a. Bill No. Z-89-12-17 - Change of Zone #408
From R-3 to B-3-B
1318 Chute Street

Prince Chapman, petitioner appeared before the Commission. Mr. Chapman stated that he was requesting the rezoning in order to remodel and expand the existing legal non-conforming use. He presently uses the property as an auto repair facility. He stated he wanted to add another 18 feet onto the existing structure. He stated that this is not a full time operation but has added in helping him support his family.

Steve Smith questioned if it would be economically feasible for Mr. Chapman to relocate his business.

Mr. Chapman stated he has been at this location for many years and he is presently semi-retired. He stated he does not intend to work at this business full time and did not feel he would be doing enough work to warrant relocating.

Mel Smith questioned if Mr. Chapman belonged to the Neighborhood Association in this area.

Mr. Chapman stated that he is a member. He stated that he had their support the last time he applied for a rezoning but was not sure if they were there that evening. He stated he has spoken to the Association and they were in favor of the remodeling.

Mel Smith questioned in what condition his business was presently.

Mr. Chapman stated that it was in need of repair at the present.

Mel Smith questioned if there was room on the property to park additional automobiles.

Mr. Chapman stated that there is room, but the area residents do not want him to park vehicles on the property. He stated that he could get around parking cars on the property.

Evelyn Knight, 1135 Eliza Street spoke in opposition. Ms. Knight stated her home is next door to the property in question. She stated she has invested a lot of money in renovating her home. She stated that Mr. Chapman business is an eyesore in the area. She stated that the cars on the property draw rodents and in general this area is causing property values to deteriorate.

Karen James, 1125 Eliza Street appeared before the Commission in opposition. Ms. James presented the Commission with pictures of the property in question showing the junk cars on the property. She stated that she also felt the property was an eyesore that is devaluing the residential character of the neighborhood. She also submitted a letter in opposition from the Concerned Citizens of the Inner City to the Commission.

BILL NO. Z-89-12-17

hold for
2/13/90

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) _____ amending the City of
Fort Wayne Zoning Map No. 0-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
_____	<i>Janet G. Bradbury</i>	_____	_____
_____	<i>Clara R. Edmonds</i>	_____	_____
_____	<i>Samuel J. Talarico</i>	_____	_____
_____	<i>David C. Long</i>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: _____

Sandra E. Kennedy
City Clerk

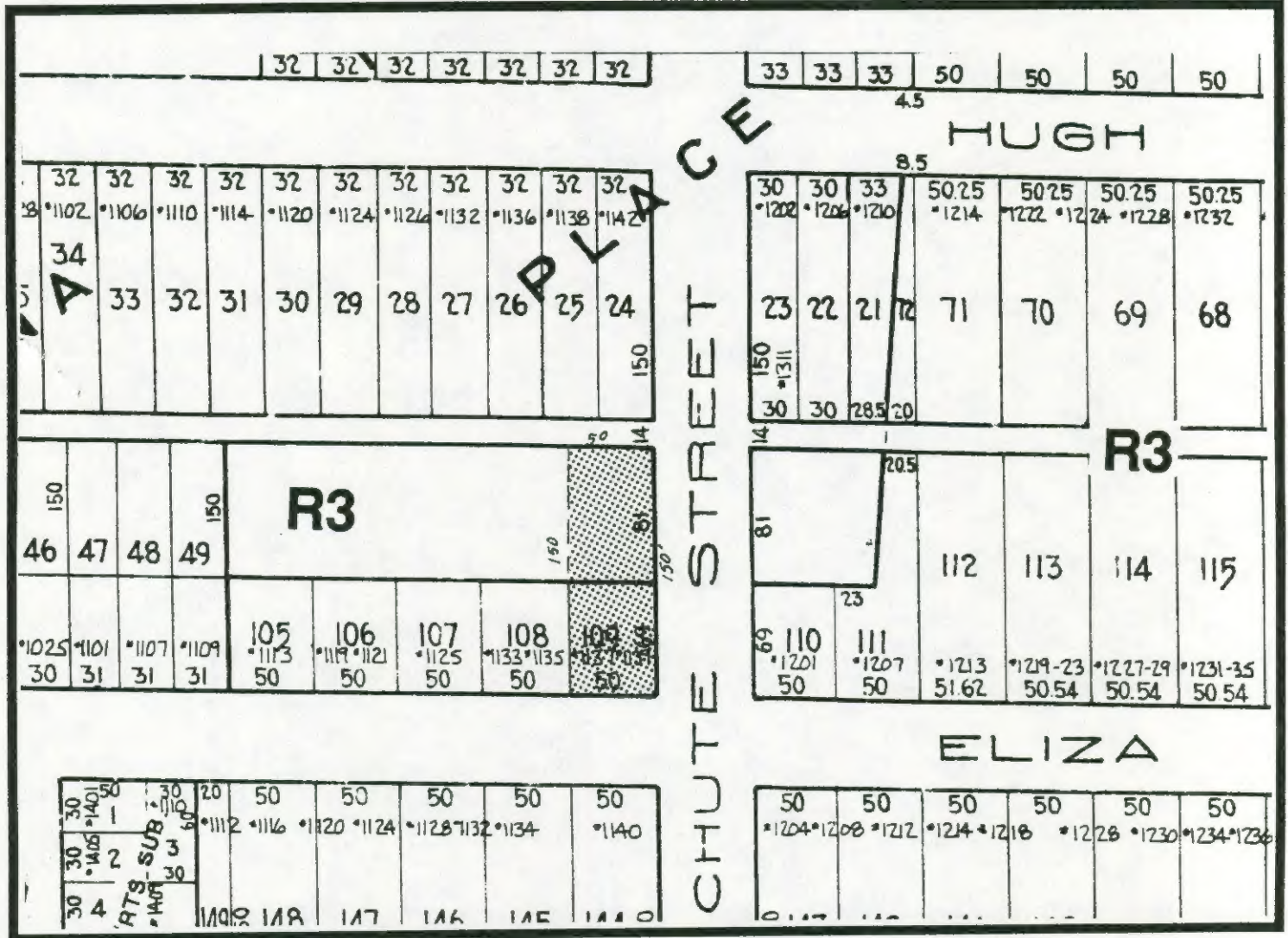
REZONING PETITION

#408

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R3** DISTRICT TO A **B3B** DISTRICT.

MAP NO. 0-2

COUNCILMANIC DISTRICT NO. 1



ZONING:

R3 RESIDENTIAL DISTRICT

LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL
- ☐ DUPLEX

SCALE: 1"=100'

DATE: 11-28-89

PAUL HELMKE, MAYOR